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FILED

NOV 8 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

ROMAN A. URBANIAK,
on behalf of plaintiff and the class defined
herein.

Plaintiff,

VS.

07cv6326
JUDGE GRADY
MAG. JUDGE MASON

CREDIGY RECEIVABLES, INC.;
CREDIGY SERVICES CORP.; and
STEWART & ASSOCIATES, P.C.,
ATTORNEYS AT LAW, A PROFESSIONAL
CORPORATION:

Defendants.

COMPLAINT – CLASS ACTION

INTRODUCTION

1. Plaintiff brings this action to secure redress against unlawful collection practices. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”) by defendants Credigy Receivables, Inc. (“CRI”) , Credigy Services Corp. (“CSC”), and Stewart & Associates, P.C., Attorneys at Law, a Professional Corporation (“SAPC”).

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§1331 and 1337 and 15 U.S.C. §1692k (FDCPA).

3. Venue in this District is proper because defendants' collection communications were received in this District.

PARTIES

4. Plaintiff Roman A. Urbaniak is a resident of the Northern District of Illinois.

5. Defendant CRI is a Nevada corporation with offices at 3950 Johns Creek Court, Suwanee, GA 30024. Its registered agent and office for purposes of service are Registered Agents Legal Services, 202 N. Curry St., Suite 100, Carson City, NV 89703.

6. Defendant CRI is engaged in the sole business of purchasing charged-off debts originally owed (if at all) to others.

7. Between August 1, 2006 and the present, CRI has been the plaintiff in more than 150 collection lawsuits pending in the Illinois courts.

8. Defendant CRI is a debt collector as defined in the FDCPA.

9. Defendant CRI pays an average of less than 5 cents on the dollar for the debts it purchases.

10. Defendant CSC is a corporation chartered under Georgia law with offices at 3950 Johns Creek Court, Suwanee, GA 30024.

11. CSC's registered agent and office are Registered Agent, Ltd., 1201 W. Peachtree St., Suite 3500, Atlanta, GA 30309.

12. Defendant CSC uses the mails and telephones to collect debts allegedly owned by CRI.

13. Defendant CSC holds an Illinois collection agency license.

14. Defendant CSC is, on information and belief (based on testimony given by Credigy personnel in other cases), "master servicer" for CRI and provides all servicing for debts allegedly owned by CRI.

15. Defendant CSC is a debt collector as defined in the FDCPA.

16. Defendant SAPC is a professional corporation chartered under Georgia law with offices at 3950 Johns Creek Court, Suwanee, GA 30024, in the same building and office suite as CRI and CSC.

17. The registered agent and office of SAPC are Registered Agents, Ltd., 1201 W. Peachtree St., Suite 3500, Atlanta, GA 30309.

18. The "Stewart" in SAPC is Steven J. Stewart, who is president, secretary, treasurer, and director of SAPC.

19. Steven J. Stewart is also an officer of CRI and CSC.

20. On information and belief, based on testimony given by Credigy personnel, SAPC and CSC use the same computer system, known as the "Simplect" system.

21. On information and belief, based on testimony given by Credigy personnel, SAPC does work almost exclusively for Credigy entities, including CRI and CSC.

22. Defendant SAPC regularly sends collection letters into Illinois with respect to debts allegedly owned by CRI and serviced by CSC.

23. On information and belief, based on testimony given by Credigy personnel, all postage and other expenses involved in sending such letters are paid by CSC or another Credigy entity.

24. Defendant SAPC is a debt collector as defined in the FDCPA.

FACTS

25. On May 23, 2007, plaintiff was sent the collection letter attached hereto as Exhibit A.

26. Exhibit A sought to collect from plaintiff a purported credit card debt

incurred for personal, family or household purposes.

27. Exhibit A is on the letterhead of SAPC.

28. Exhibit A is a form letter.

29. The "FED_EX_NL_SSA" on Exhibit A is a form number.

30. Exhibit A states:

- a. "[O]ur client intends to enforce your outstanding obligation in court."
- b. "[I]f you do not contact us and arrange a repayment plan acceptable to us within ten (10) days of delivery of this letter, we have been authorized to refer this matter to an attorney licensed in your state for the filing of a lawsuit against you."
- c. "If the lawsuit is filed, our client will seek to recover attorneys' fees, court costs, and any other costs if permitted by law or contract."

31. Exhibit A and other letters prepared using the same form were generated as a matter of course as part of a series of letters generated by the shared computer system used by defendants CRI, CSC and SAPC when a debt was placed in their system.

32. The debt described in Exhibit A is not based on a written contract.

33. The debt described in Exhibit A allegedly went into default on some date substantially prior to April 23, 2001.

34. The debt described in Exhibit A was barred by limitations when Exhibit A was sent.

COUNT I – FDCPA – CLASS CLAIM

35. Plaintiff incorporates paragraphs 1-34.

36. Defendants violated the FDCPA by sending letters threatening litigation on time-barred debts.

37. Defendants thereby violated 15 U.S.C. §§1692e, 1692e(2), and 1692e(5), 1692e(10), and 1692f.

CLASS ALLEGATIONS

38. Plaintiff brings this claim on behalf of a class.

39. The class consists of (a) all natural persons with Illinois addresses (b) to whom defendants sent a letter in the form represented by Exhibit A (c) on or after a date one year prior to the filing of this action, and on or before a date 20 days after the filing of this action, (d) when the date of delinquency or last payment was more than five years prior to the date on the letter.

40. The class members are so numerous that joinder is impracticable.

41. On information and belief, there are more than 50 natural persons with Illinois addresses to whom defendants sent a letter in the form represented by Exhibit A, on or after a date one year prior to the filing of this action, and on or before a date 20 days after the filing of this action, when the date of delinquency or last payment was more than five years prior to the date on the letter.

42. There are questions of law and fact common to the class members, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether defendants had a practice of sending letters threatening suit on time-barred debts.

43. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

44. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

45. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible. Many debtors may not realize that their rights are violated.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and the class members and against defendants for:

- a. Statutory damages;
- b. Attorney's fees, litigation expenses and costs of suit;
- c. Such other or further relief as the Court deems proper.



Daniel A. Edelman

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Francis R. Greene
EDELMAN, COMBS, LATTURNER
& GOODWIN, L.L.C.
120 S. LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

JURY DEMAND

Plaintiff demands trial by jury.



Daniel A. Edelman

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NOTICE OF LIEN

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards.



Daniel A. Edelman

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EDELMAN, COMBS, LATTURNER
& GOODWIN, LLC
120 S. LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

EXHIBIT A

PO BOX 2629
SUWANEE, GA 30024
ADDRESS SERVICE REQUESTED

866-990-9961

Stewart & Associates, P.C.

ATTORNEYS AT LAW

Thomas L. Barnard, Esq.
Licensed in California and Georgia only

May 23, 2007

ROMAN A URBANIAK

Redacted

Our Client/Current Creditor: CREDIGY RECEIVABLES INC.
Original Creditor: MFTRIS
Current Account Number: **Redacted**
Balance as of today: \$20,706.00

As our previous correspondence to you has indicated, your past-due account has been referred to our office for handling. Despite our prior effort to resolve your past-due debt amicably, we have no indication that you intend to honor and repay your outstanding obligation. We hope that you will arrange payment of this debt. However, if you fail to do so, our client intends to enforce your outstanding obligation in court.

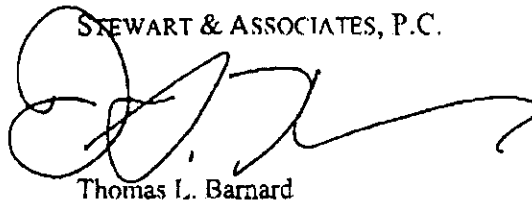
Although no attorney has reviewed your specific account to date and no suit has yet been filed against you, please be advised that if you do not contact us and arrange a repayment plan acceptable to us within ten (10) days of delivery of this letter, we have been authorized by our client to refer this matter to an attorney licensed in your state for the filing of a lawsuit against you.

If the lawsuit is filed, our client will seek to recover attorneys' fees, court costs, and any other costs if permitted by law or contract. If our client obtains a judgment against you, it may seek to enforce the judgment by all means allowed by law.

Please contact our office immediately at 866-990-9961 if you would like to settle this matter.

Sincerely,

STEWART & ASSOCIATES, P.C.



Thomas L. Barnard

NOTICE: PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

This is a communication from a debt collector. This is an attempt to collect a debt.
Any information obtained will be used for that purpose.

FED_EX_NL_SSA

Your calls may be monitored for quality assurance purposes. The information listed in this letter does not contain a complete list of the rights consumers have under state and federal law.

Regular office hours: Monday – Wednesday 8 a.m. to 11 p.m. EST, Thursday 8 a.m. to 9 p.m. EST, Friday 8 a.m. to 5 p.m. EST and Saturday 8 a.m. to 3 p.m. EST.

NOTICES TO RESIDENTS OF CALIFORNIA: As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations. But we will not submit a negative credit report to a credit reporting agency about this credit obligation until the expiration of the time period described on the front of this letter.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

NOTICE TO RESIDENTS OF COLORADO: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.AGO.STATE.CO.US/CAB.HTM.

NOTICE TO RESIDENTS OF MAINE: Address/Telephone number of agency's licensed location: 3950 Johns Creek Court, Suwanee, Georgia 30024; 1-866-990-9961. Hours of Operation: Monday – Wednesday 8 a.m. to 11 p.m. EST, Thursday 8 a.m. to 9 p.m. EST, Friday 8 a.m. to 5 p.m. EST and Saturday 8 a.m. to 3 p.m. EST.

NOTICE TO RESIDENTS OF MASSACHUSETTS: *Notice of Important Rights*

YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE COLLECTION AGENCY.

NOTICE TO RESIDENTS OF MINNESOTA: This collection agency has been certified as being exempt from licensing by the Minnesota Department of Commerce. The full name of this collection agency as it appears on the Minnesota exemption certificate is Credigy Services Corp.

NOTICE TO RESIDENTS OF NEW YORK CITY: New York City Department of Consumer Affairs License Number: 1158518.

NOTICE TO RESIDENTS OF NORTH CAROLINA: You are hereby notified that you are not legally obligated to make a written statement, acknowledgment, or waiver of legal rights regarding any debt if you have been declared bankrupt or if said debt is barred by the statute of limitations. N.C. Gen. Stat. § 58-70-115(1).

NOTICE TO RESIDENTS OF TENNESSEE: This collection agency is exempt from licensing by the Collection Service Board of the Department of Commerce and Insurance as a non-resident collection agency.

NOTICE TO RESIDENTS OF UTAH: As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit agency if you fail to fulfill the terms of your credit obligations.

NOTICE TO RESIDENTS OF WISCONSIN: This collection agency is exempt from licensing by the Office of the Administrator of the Division of Banking, Department of Financial Institutions, P.O. Box 7876, Madison, Wisconsin 53707, as an out-of-state collection agency.

*SSA_DUNNING